

Appl. No.: 09/804,944
Amdt. Dated: 11/15/04
Reply to Office Action of: 09/13/2004

REMARKS/ARGUMENTS

Independent claim 1 is being amended to introduce a limitation taken from claims 13 and 15 of the application as filed, in order to more particularly point out the invention. By this amendment, claim 1 is made clearly distinguishable from all prior art of record in this case, and all remaining claims in this case are made allowable. Accordingly, favorable reconsideration and allowance of this application in view of this amendment, or entry of the amendment for purposes of appeal in the event the Examiner is still unwilling to allow this case, are respectfully requested.

The Examiner's final rejection of claims 1-4, 10, 11 and 14-16 herein under 35 U.S.C. §102 is on reference to U. S. Patent No. 4,407,785 (Pfefferle). Pfefferle discloses a honeycomb reactor wherein the monoliths are retained in an enclosure by means of "intervening spacers" and "retainers". Referring specifically to the disclosure in that patent being relied on by the Examiner, the spacers are provided to maintain the monoliths in "spaced apart" relationship (column 3, line 60), and the retainers are "fixed" within the enclosure openings (column 3, line 3).

On this disclosure alone, the Examiner has concluded that the retainers are "urged against" the monoliths. However, neither the patent excerpts specifically relied upon by the Examiner, nor any other teachings provided in the Pfefferle patent, appear to teach or suggest the application of any particular mounting or compression force whatever against the monoliths mounted in the Pfefferle enclosure. Thus no basis for the Examiner's conclusion that the retainers apply urging forces against the monoliths can be found.

Moreover, even if for the purpose of argument the Examiner's conclusion is accepted, it is clear that the Pfefferle retainers are "fixed". Accordingly, whatever initial monolith mounting conditions are provided, it is evident that vibration and thermal expansions of the various reactor and enclosure components in use will immediately result in substantial changes in any initial compression that the Examiner may speculate is present in the Pfefferle reactor. No mechanism for maintaining the monoliths under virtually constant compression under such circumstances is taught or suggested.

Of course, significant changes in monolith mounting compression do not occur in accordance with the invention, since the Applicants' constant pressure means effectively "prevent vibration and compensate for different expansions between the monoliths and reactor housing". That function now being more particularly pointed out in amended claim 1

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as well as in original claims 13 and 15 of the application, it is submitted that the clear differences between the Applicants' invention and the Pfefferle reactor are now apparent.

With regard to the Examiner's specific reasoning in support of the Final Rejection, his assertion that the spacers and retainers of Pfefferle are capable of maintaining the catalyst elements under constant compression appears to be entirely speculative, since no basis in the Pfefferle disclosure suggesting any such capability is to be found. Whether the Examiner has any theory, or can cite any principle, under which the fixed supports of Pfefferle might exert constant compression on monoliths mounted within the Pfefferle reactor throughout the course of the unavoidable vibration and expansion of the monoliths and enclosure encountered in such reactors in use, no such theory or principle has been made of record herein. The Applicants respectfully contend that no actual teaching or theoretical principle, either suggested in Pfefferle or otherwise known from the cited art, can be found to support the Examiner's speculation in this regard.

For the above reasons, and in light of the requested amendment, it is respectfully submitted that claims 1, 13 and 15, as well as all claims depending therefrom (all of remaining claims 1-16 of the application), are now clearly distinguishable from Pfefferle and should be allowed. However, in the event the Examiner is still unwilling to allow claims 1-16 as amended, then entry of the requested amendment for purposes of appeal is respectfully requested.

The Applicants believe that no extension of time is necessary to make this Reply timely, but contingently request that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as is necessary to make this Reply timely, if in fact such an extension is required. In that contingency the Office is hereby authorized to charge any necessary extension fee or surcharge to the deposit account of Corning Incorporated, Deposit Account 03-3325.

Respectfully submitted,



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